



used included articulated wheel loader with bucket, backhoe, front-end loader, and mowers.

## CONCLUSION

*N.J.A.C.* 4A:4-2.3(b) provides that applicants shall meet all requirements specified in the open competitive examination announcement by the closing date. *N.J.A.C.* 4A:1-1.2(c) states that the Commission may relax a rule for good cause in particular situations, on notice to affected parties, in order to effectuate the purposes of Title 11A, New Jersey Statutes.

The appellant received the maximum credit, seven months, for the one position that he listed on his application, his provisional position in the subject title. The application states, “You may be declared ineligible or you may not receive proper credit for scoring purposes if you do not properly complete your application,” and “Since your application may be your only ‘test paper,’ be sure it is complete and accurate. Failure to complete your application properly may cause you to be declared ineligible, lower your score, or possibly cause you to fail.” The published announcement also clearly specifies the relevant time frames for filing and amending applications. As he listed only her provisional position on his application, no further experience could have been credited.

Further, *N.J.A.C.* 4A:4-2.1(f) provides that an application may only be amended prior to the announced closing date. Nevertheless, there were five eligible candidates and one appointment has been made, and four provisional incumbents were serving when the list was issued. The appellant has indicated that he possesses at least an additional three years in two positions wherein he both drove a single-axle truck and operated construction and maintenance equipment. He continues to serve in his provisional position, and the list is not competitive. Under these particular circumstances, good cause has been established to relax the provisions of *N.J.A.C.* 4A:4-2.3(b) to accept the appellant’s supplemental experience, for eligibility purposes only, and admit him to the subject examination for prospective appointment only.

## ORDER

Therefore, it is ordered that this appeal be granted, and the appellant’s application be processed for prospective appointment only.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
THE 6<sup>th</sup> DAY OF MARCH, 2019



Deirdré L. Webster Cobb  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

Christopher S. Myers  
Director  
Division of Appeals and Regulatory Affairs  
Civil Service Commission  
Written Record Appeals Unit  
P. O. Box 312  
Trenton, New Jersey 08625-0312

c: Christopher Weir  
Craig Atkinson  
Kelly Glenn  
Records Center